



## COMMUNITY DEVELOPMENT DEPARTMENT

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### PLANNING COMMISSION MEETING MINUTES

#### REGULAR MEETING

APRIL 11, 2006

PRESENT: Koepp-Baker, Benich, Davenport, Escobar, Lyle, Mueller

ABSENT: None

LATE: Acevedo, who arrived and was seated at 7:05 p.m.

STAFF: Planning Manager (PM) Rowe, Senior Civil Engineer (SCE) Creer, and  
Minutes Clerk Johnson

Chair Lyle called the meeting to order at 7:02 p.m., as he led the flag salute.

#### DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

#### OPPORTUNITY FOR PUBLIC COMMENT

With no members of the audience indicating a wish to address matters not on the agenda, the time for public comment was closed.

#### MINUTES:

DECEMBER 13,  
2005

THE DECEMBER 13, 2005 MINUTES WILL BE CONSIDERED AT A FUTURE TIME.

MARCH 21,  
2006

COMMISSIONERS MUELLER/ KOEPP-BAKER MOTIONED TO APPROVE THE MARCH 21, 2006 MINUTES WITH THE FOLLOWING CORRECTIONS:

Page 2, paragraph 2: ~~THE ISLANDS ANNEXATION PROJECT CONSISTS OF THE FOLLOWING APPLICATIONS~~ ... 17 APPLICATION AREAS.

Page 2, paragraph 2, line 4: EACH OF THE PROPOSED 11 PREZONINGS

Page 4, paragraph 2: CDD Molloy Previsich spoke on the work being *done* on the sewer assessment

Page 8, paragraph 2: expectation *with* barriers not yet understood.

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**THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, BENICH, DAVENPORT, LYLE, MUELLER; NOES: NONE; ABSTAIN: ESCOBAR; ABSENT: NONE.**

**MARCH 28, 2006 COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO APPROVE THE MARCH 28, 2006 MINUTES WITH THE FOLLOWING CORRECTIONS:**

Page 3, paragraph 5, line 3: ...student(s)

Page 3, paragraph 6, line 4: ~~side~~ **site**

Page 3 paragraph 7: ~~the students in competition~~ **on-site competition**

Page 11, last paragraph: .... Sycamore, **is the applicant** and requested inclusion into the USA

Page 13, paragraph 4: ~~lack of~~

Page 13, paragraph 9, (motion): [delete] **COMMISSIONER**

**THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, BENICH, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**PUBLIC  
HEARING:**

**1) GPA-05-06/  
USA-05-01/  
ZA-05-27/  
ANX-05-18:  
SANTA TERESA-  
BLACKROCK**

Proposed amendments to the plans of the City of Morgan Hill regarding an 18-acre parcel located at the southwest corner of the intersection of Santa Teresa Blvd. and Watsonville Rd. Proposed are the following actions: amendment to the Morgan Hill General Plan Land Use Diagram, changing the land use designation of the parcel from County Rural to Residential Estate, pre-zoning the parcel RE 40,000 (RPD), including the parcel within the City's Urban Service Area, and annexing the parcel into the City limits.

*Several Commissioners indicated having visited the site to be discussed during this agenda item.*

PM Rowe presented the staff report, noting that the applicant has asked for the series of four actions to be discussed. He reminded that the Commissioners had heard this matter at the last Planning Commission meeting at which time they voted approval, directing staff to return with Resolutions at this meeting. PM Rowe called attention to modifications to the prepared Resolution which had been distributed in the meeting packets. Now, he said, there were further modifications as follows:

Section 3: Dedication of a well site ***...in a location approved by the Director of Public Works and installation of an asphalt overlay...*** (continues)

Commissioner Benich clarified that the originally proposed **or** concerning the asphalt overlay is no longer an option.

SCE Creer responded to a question from Commissioner Mueller regarding why the City is annexing the north side of Watsonville Road, as he explained the LAFCO and County road annexation policy. He also told of the City's prior policy of taking in partial streets, citing Hill Road as an example. PM Rowe explained LAFCO rules regarding taking Watsonville Road into the City. SCE Creer gave another example and commented on the

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right-of-way on Hale Avenue given to the County in 1965 and stated that due to the current condition of the road, the City doesn't want to accept that road for maintenance.

Regarding the Resolution modification which PM Rowe had explained earlier, Chair Lyle asked if Section 6, items 1,2 &3 should mirror that of Section 3 with the removal of ~~for~~? It was agreed that would be so. Further discussion ensued regarding wording in Section 6 (property development) as to how determination would be made to take the property out of the USA and the City limits. PM Rowe provided explanation that the agreements as to the property location would be determined prior to award of allotments. Continuing on the topic, Commissioner Acevedo asked if the intent would be to tie the improvements to the allocation award or LAFCO. "Would the improvements have to be done before the competition?" Commissioner Acevedo asked. Chair Lyle cautioned that LAFCO might require bringing the property into the City's USA so the improvements would be tied to the award of allotments.

Chair Lyle opened the public hearing.

Rocke Garcia, 14500 Sycamore, spoke to the Commissioners as the applicant, saying he was definitely willing to do the well to the satisfaction of the Public Works Director. "I'm willing to work on it right now." Mr. Garcia said. "We just need the City to determine the well site and we will work on it right away. We have hopes for getting it in before LAFCO action." Mr. Garcia continued by asking that the asphalt overlay be deferred until the Measure C competition. "The overlay may be dictated by what happens in the Measure C competition," he said, requesting the language of the Resolution be revised.

With no others present indicating a wish to speak to the matter, the public hearing was closed.

Regarding the questions about tying the improvements to the allocation award, PM Rowe advised that the matter had been discussed with Mr. Garcia, who was 'ok' with the installation of asphalt being tied to an award of Measure C allocations.

**COMMISSIONERS ACEVEDO/MUELLER MOTIONED TO APPROVE (BY MINUTE ORDER) THE FOLLOWING:**

- 1) RESOLUTION NO, 06-42, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT APPLICATION, GPA-05-06: SANTA TERESA – BLACK ROCK LLC;**
- 2) RESOLUTION NO. 06-43, RECOMMENDING APPROVAL OF URBAN SERVICE AREA APPLICATION, USA-05-01: SANTA TERESA – BLACK ROCK LLC, WITH MODIFICATION TO SECTIONS 3 AND 6: DEDICATION OF A WELL SITE ...*IN A LOCATION APPROVED BY THE DIRECTOR OF PUBLIC WORKS AND/OR* INSTALLATION OF AN ASPHALT OVERLAY... *(continues);***
- 3) RESOLUTION NO. 06-44, RECOMMENDING APPROVAL OF ZONING APPLICATION, ZA-05-27: SANTA TERESA – BLACK ROCK LLC; AND**
- 4) RESOLUTION NO. 06-45, RECOMMENDING APPROVAL OF ANNEXATION APPLICATION, ANX-05-18: SANTA TERESA – BLACK ROCK**

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**LLC.**

Under discussion, it was noted that **THE MOTION CONTAINED THE STIPULATION OF INCLUSION OF THE FINDINGS AND CONDITIONS WITHIN EACH OF THE RESOLUTIONS.**

It was clarified that the subject matter of the Resolutions was passed and adopted at the March 28, 2006 Planning Commission Meeting and that, as passed, was amended on April 11, 2006. For the record, it was noted that Commissioner Davenport and Chair Lyle voted against the proposal(s) at the March 28, 2006 Planning Commission Meeting and affirmative action at this meeting would/did not change that vote.

**THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, BENICH, DAVENPORT, ESCOBAR, LYLE; MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**2) UP-06-03:  
VINEYARD-  
CONGREGATION  
EMETH**

A request for the approval of a conditional use permit for a 7,743 sf. Jewish synagogue on a 1.4-acre site located in the southwest quadrant of the intersection of Vineyard Ct. and Vineyard Blvd. The site is zoned Light Industrial.

PM Rowe gave the staff report, noting the facility will be used for regular and seasonal religious activities with the principal times of use: Friday and Saturday nights for services, with Sunday use being devoted primarily to education studies. As with all CUPs, he said, findings are required. In this instance, staff has looked at the adequacy of 'regular' parking [58 parking spaces are available for on-going use] and parking needed for special events. Those special events, PM Rowe advised, are infrequent and generally occur at times opposite the highest use of parking in the surrounding industrial development. He also noted that there is opportunity for shared parking agreements. Routine traffic trips would not affect the surrounding street systems, PM Rowe said. He went on to tell of a 'drop off – pick up' plan and illustrated the location of driveways into and within the property.

Furthermore, PM Rowe said general welfare impact on the area would be minimal. "Some concern has been raised regarding the design of the building," PM Rowe advised that staff has concerns of the 'rustic design' of the building which has been presented. "Staff feels the design needs further refinement," he said as he reminded that the design will go on to the ARB.

Chair Lyle opened the public hearing.

Grant Gordon, 1916 Hayes Ln., San Martin, told the Commissioners that he is in charge of facilities planning for the congregation. Mr. Gordon said he appreciated the ease in working with the City Staff on the project. Mr. Gordon said he was present representing the congregation, and other members were present, as well as the architect.

Commissioner Benich asked Mr. Gordon if there are plans for increasing the size of the congregation. Mr. Gordon responded that at present there are 56 families and within 3 - 5 years that number could grow to 125 – 150. "At 175 families we would outgrow the parking we've requested," he said. Chair Lyle asked, "How could you plan to accommodate parking for 150 families?" Mr. Gordon responded: "We believe that, based on the traffic flow and the actual number of cars, we would have ample parking."

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Commissioner Escobar asked questions regarding the educational classes. Mr. Gordon again responded by telling the ages of the youth and adding that the classes are small now. He also said that future growth would probably add small numbers: A class now would possibly increase to 5 students.

Bob Dwyer, 19151 Calle Moniz, addressed the Commissioners, saying he represents the property owner and developer. "Speaking on part of my partner and myself, we are excited about this project. It is a beautiful building, well designed. City Staff directed the membership to this site. They have designed it with 150 families in mind. I think it fits well. The Architect has built eleven buildings in the area. This design fits well in the neighborhood."

Commissioner Benich indicted questions regarding the materials proposed for the building: cement blocks with a metal roof. Mr. Dwyer said the Architect would address those matters.

Randy Toch, 2895 Old Oak Lane, said he was appearing before the Commissioners as a parent and a member of the congregation. Mr. Toch said his son is in the school and the small class size is based on the current number of families. "With 50 families now and the potential to grow to 150, the growth potential is exciting," Mr. Toch said. "In 30 years we have had no permanent home." He gave the background of the location and described the difficulties of finding a building site with the price of real estate. Mr. Toch said the membership is trying to put together a permanent congregation with limited funds while trying to pay for it 'with what have now and as we work to the future'.

Jerry Yates, 303 Potrero St. #29-301, Santa Cruz, advised he is the architect and would answer questions from the Commissioners.

Chair Lyle noted that in the staff report the building is detailed as having cement masonry block construction, a metal roof, and six-foot high masonry walls. Chair Lyle said he had driven through the area and did not see other buildings made of blocks. Mr. Yates said he had designed many building in area and felt the materials proposed were appropriate. He explained how concrete masonry units (CMUs) relate to concrete masonry traditional material used in church construction. He said that building materials for religious structures require different kinds of building techniques and that these were not to be ordinary cinder blocks but CMUs - split blocks with integral color and texture. He elaborated that building with the split blocks would result in 'warm materials'. Mr. Yates said he had built a building with similar materials just next to residential area on Church Street.

Chair Lyle questioned if the building would be consistent with the neighborhood when the staff report goes to the ARB, adding that the staff report said the design was 'very rustic'.

Mr. Yates told of a building recently completed in Scotts Valley using the standing seam metal roof and telling the Commissioners it was very attractive (referencing the roof). He also told of other buildings constructed with similar or identical materials.

Regarding parking, Mr. Yates said he had designed the parking to be sized for the largest congregation expected in the sanctuary and recreation hall. "It was sized for how many people fit in the sanctuary," he said. Mr. Yates said that perhaps six times a year the

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congregation would have more people, due to an event and stated that those were held during 'off business hours'.

With no others to address the matter, the public hearing was closed.

Commissioner Mueller stated – for the record – that his daughter had previously attended the congregation before leaving the City and the area.

**COMMISSIONER MUELLER OFFERED A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A 7,743 SQ. FT. SYNAGOGUE LOCATED ON THE SOUTHWEST CORNER OF VINEYARD COURT AND VINEYARD BLVD. IN A LIGHT INDUSTRIAL ZONING DISTRICT, TOGETHER WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER ACEVEDO SECONDED THE MOTION, WHICH CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, BENICH, DAVENPORT, ESCOBAR, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

*For the benefit of the students present, Chair Lyle explained several aspects of zoning in various areas of the City, and what is inclusive in each. He further explained what the Commissioners were looking for as they investigated the specifics of CUP (Conditional Use Permits) requests.*

**3) UPA-89-02:  
E. DUNNE-  
ROBISON**

A request for approval to amend the conditional use permit to allow for a luxury kitchen and bath fixture store in an existing building at 700 E. Dunne Ave. Suite D. The subject site is zoned Light Industrial.

PM Rowe presented the staff report, and telling of prior actions by the City regarding the property, e.g.:

- 1989 – an approved CUP allowed a range of uses to occupy the building, including the potential users to devote up to 10% of the lease space to retail display
- 1991 – Light Industrial ML zoning district was amended to conditionally allow extensive retail uses such as carpeting, sale of construction equipment, and kitchen and bath fixtures.
- The 1991 code amendment did not place a limitation on the amount of area dedicated to retail sales display, this having been reviewed on a case-by-case basis

PM Rowe said that because the percentages of space requested exceeds that currently allowed for a CUP on the location, there needs to be an amendment to the CUP.

PM Rowe told the findings recommended for the requirement of the CUP as he noted the hours requested by the applicant and the fact that 'walk-in, over-the-counter services' would not be provided. PM Rowe noted the church also located in the building and said that the hours of operation were designed to avoid interference with the church services. He stated that there would be no effect on circulation, no chemical usage and noise would be limited. Employees in the business would be six or less and the business would be consistent with the area, PM Rowe advised.

Commissioner Acevedo asked if there were current data of existing vacancies of retail establishments available. Staff is unaware of such information.

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Chair Lyle opened the public hearing.

Ron Routhier, 620 Sparkaw Dr., told the Commissioner he and his wife have been owners of this type of business 15 years in San Jose and recognize the demand in this area. He said they had been looking to open a business in the City for a 'couple of years'.

Commissioner Koepp-Baker clarified that no sales would be conducted on the premises. Mr. Routhier responded that a small amount of merchandise could be sold on site, but said, "The business is mostly specialty order. Perhaps less than 15% of our customers ever visit the site."

With no others present to speak to the matter, the public hearing was closed.

**COMMISSIONERS MUELLER/ESCOBAR OFFERED A MOTION TO APPROVE A RESOLUTION FOR AN AMENDMENT TO THE CONDITIONAL USE PERMIT APPROVAL GRANTED UNDER RESOLUTION 89-17 ALLOWING FOR THE INCLUSION OF A KITCHEN AND BATH FIXTURE STORE WITH A MAXIMUM OF 35 PERCENT OF THE LEASE AREA DEVOTED TO RETAIL DISPLAY AREA. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.**

*Due to the potential for conflict of interest with the next agenda item, Commissioner Davenport was excused at 7:47 p.m.*

**4) VACATION OF MIRA LAGOS-CITY OF M.H.** A request for the approval to vacate Mira Lagos Dr. The subject area is approximately 6,970 square feet (0.16 acres), which is a dead end stub street extending off of Mira Bella Circle.

PM Rowe gave the staff report saying staff is recommending continuation to the May 9, 2006 Planning Commission meeting. PM Rowe explained the request is to vacate a portion of right-of-way on Mira Lagos Drive (a dead end street) which connects to Mira Bella Circle. He detailed the remainder of the rest of the location and explained the availability of future access if needed. There are two county lots and there is this proposal for vacating a portion of the right-of-way in favor of a neighboring property which would then utilize the balance for a driveway. PM Rowe advised that the Attorney for the applicant expressed concern about the easement; consequently, staff was recommending continuation to the May 9, 2006 meeting.

Chair Lyle asked questions about quit claiming the area to the west? SCE Creer explained what/where the access is being requested. Responding to further questions, SCE Creer said it was believed that the Chen family controls a lot of property to the west and can obtain access to their property from Trail Drive to the west.

The Commissioners engaged in discussion of the following other issues:

- taking access of the 2 lots to the east
- with these developments in the County, use of the techniques of the ULL could be used to control vision issues

The public hearing was opened by Chair Lyle. No one was present to address the matter.

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**COMMISSIONERS MUELLER/ ESCOBAR MOTIONED TO CONTINUE THE MATTER OF VACATION OF MIRA LAGOS DR. - CITY OF MORGAN HILL TO THE PLANNING COMMISSION MEETING TO BE HELD ON MAY 9, 2006. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, BENICH, ESCOBAR, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: DAVENPORT.**

*Commissioner Davenport resumed his seat with the Commissioners at 7:56 p.m.*

**ANNOUNCEMENTS:** PM Rowe advised that the draft Initial Study of the General Plan and Zoning amendments for Trader Joe's, which will be considered by the Commissioners on April 25, 2006, had been distributed at this meeting.

PM Rowe reminded that the City will be having ground breaking ceremonies April 15, 2006 for the new library, so the meeting room will be part of the construction zone. Accordingly, he said, the Commissioner's mailboxes will not be accessible as at present. Lengthy discussion ensued regarding delivery of City mail and the meeting packets to the Commissioners. Ultimately, it was determined that the majority of the Commissioners would receive much of the data electronically. However, Chair Lyle opted to retain the ability to personally pick up materials, along with Commissioners Mueller, Koepp-Baker, and Benich.

Regarding future agenda items Commissioner Benich asked that the requested update on CalTrans fence at the City's Gateway be delayed to the meeting of May 9, 2006, due to his prospective absence at the next meeting.

**ADJOURNMENT:** Noting there was no further business to be heard by the Commissioners at this meeting, Chair Lyle adjourned the meeting at 8:04 p.m.

**MINUTES PREPARED BY:**

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**JUDI H. JOHNSON, Minutes Clerk**